

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. 22-cv-5728

ARCHELINO T. PALPALLATOC,

Plaintiff,

v.

THE BOEING COMPANY, *et al.*,

Defendants.

**ORDER RE PRETRIAL
CONFERENCE RULINGS**

The Court held a pretrial conference on the record with counsel on July 18, 2024. The Court rules as follows:

- The trial will run from 8:30 a.m. to 5:00 p.m. each day, with morning and afternoon breaks of 15 minutes. Counsel is expected to be present at least 30 minutes prior to the start to discuss any upcoming issues.
- Opening statements are limited to 30 minutes each and closing statements will be limited to 45 minutes for each side.
- The trial will be timed, and the parties will be provided with status at the end of each trial day.
- Voir Dire will be held on Friday, August 2, 2024, commencing at 9:00 a.m. The Court provided a draft version of Voir Dire questions, which included a short statement of the case to be read to prospective jurors. The same statement will form part of the preliminary instructions to be read to selected jurors prior to opening statements. Plaintiff requested a change to the wording of Question 25 and will provide proposed wording to the Court for reconsideration. Defendant requested additional time for counsels' follow-up questioning. The Court granted an

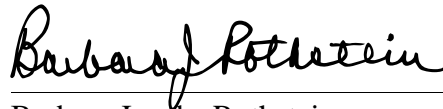
ORDER RE PRETRIAL CONFERENCE RULINGS

additional 10 minutes if needed, for a maximum of 20 minutes allocated to each party for follow-up questioning at the end of voir dire.

- An 8-person jury will be empaneled.
- A draft of preliminary instructions was provided to counsel, which included the parties' stipulated statement of facts. There were no objections raised nor changes requested.
- Plaintiff's Motion in Limine A.4, on which the Court deferred final ruling pending further discussion at the Pretrial Conference, is granted as follows:
 - The parties have agreed to not introduce the prior lawsuit into evidence;
 - Plaintiff will not introduce the Workers' Compensation Claim and will redact all related documents to remove any reference to Workers' Compensation;
 - Defendant shall limit discussion related to the claim to refer to medical review or exams generically rather than refer directly to the Workers' Compensation Claim unless it has been raised by Plaintiff.
- The parties' witness lists and objections thereto must be pared down further before the Court can rule on the objections. The Court will review the pared down lists and issue rulings at a follow-up hearing.
- By the end of each business day, each party shall provide to the opposing party a list of witnesses intended to be called the following day so that cross-examination can be prepared. If a witness is on both parties' witness list, the cross-examination shall continue to direct examination with notice to the Court so that each witness need appear only once.
- The Court granted Defendant's request that Dr. Irina King be allowed to testify by Zoom videoconference. Plaintiff's counsel requested that two out-of-state witnesses be allowed to testify remotely. Plaintiff's counsel shall provide the witness names to Defendant's counsel, and if Defendant objects, the Court will rule on the objection at the follow-up hearing.
- The parties' exhibit lists with objections must be further pared down before the Court can rule on the objections. Every objected-to exhibit must be provided to the Court before the follow-up hearing so the Court can review the exhibit. The parties shall contact the Courtroom Deputy for instructions on providing these exhibits to the Court. Objected-to exhibits must be provided digitally no later than 1:00 p.m. PT on Friday, July 26, 2024, and a paper copy sent by courier to arrive in chambers by Monday, July 29, 2024.

- The parties are reminded that all exhibits must be pre-marked and preadmitted, but only exhibits actually used during the trial will go to the jury.
- The parties expressed a desire for a second settlement conference with Magistrate Judge Peterson. Magistrate Judge Peterson has rearranged her schedule to facilitate a settlement conference on July 25, 2024, and her chambers will contact the parties to finalize the schedule.
- The Court will issue an order to allow food to be brought into the Courthouse to the witness rooms.
- A follow-up hearing will be held on Tuesday, July 30, 2024 at 10:00 a.m. PT by Zoom videoconference.

DATED this 19th day of July 2024.



Barbara Jacobs Rothstein
U.S. District Court Judge